

1 MAYER, BROWN, ROWE & MAW LLP
EDWARD D. JOHNSON (SBN 189475)
2 SHIRISH GUPTA (SBN 205584)
Two Palo Alto Square, Suite 300
3 Palo Alto, CA 94306-2112
Telephone: (650) 331-2000
4 Facsimile: (650) 331-4557
wjohnson@mayerbrownrowe.com
5 sgupta@mayerbrownrowe.com

6 MAYER, BROWN, ROWE & MAW LLP
RICHARD J. FAVRETTO
7 1909 K Street, N.W.
Washington, D.C. 20006
8 Telephone: (202) 263-3000
Facsimile: (202) 263-3300
9 rfavretto@mayerbrownrowe.com

10 Attorneys for Defendant
UNITED AIR LINES, INC.

11
12 Additional Counsel Appear on Signature Page

13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 SUSAN BRENNAN,
on behalf of herself and all others
17 similarly situated,

18 Plaintiff,

19 v.

20 BRITISH AIRWAYS, PLC, VIRGIN
ATLANTIC AIRWAYS LTD., UNITED
21 AIR LINES, INC., AMR CORP., and
22 AMERICAN AIRLINES, INC.,

23 Defendants.

CASE NO. CV 06-05440-VRW

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO EXTEND TIME TO
RESPOND TO COMPLAINT**

24 Pursuant to Local Rule 6-1, Plaintiff Susan Brennan and Defendants British
25 Airways Plc, Virgin Atlantic Airways Ltd., United Air Lines, Inc., AMR Corp. and
26 American Airlines, Inc. respectfully request that this Court enter an order extending
27 the time in which Defendants must answer or otherwise respond to this matter until
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1 the later of (1) the date when the Defendant would otherwise be required to file a
2 response pursuant to Federal Rule of Civil Procedure 12, or (2) 45 days after the
3 JPML rules on a motion pending in *In re International Air Transportation Surcharge*
4 *Antitrust Litigation* (MDL No. 1793) and a consolidated complaint is filed by all
5 Plaintiffs in the single transferee Court and served on Defendants. Plaintiff Susan
6 Brennan has consented to the requested extension. In support of this stipulation, the
7 parties state:

8 1. The Complaint in this matter was filed on September 5, 2006. It seeks
9 relief under the Sherman Act and the Clayton Act against five defendants on behalf
10 of a putative class.

11 2. Nearly 94 similar actions have been filed in various jurisdictions around
12 the country.

13 3. There is a motion pending before the Judicial Panel on Multidistrict
14 Litigation ("JPML") to consolidate and transfer actions like this one to a single
15 venue. The JPML is considering this motion to consolidate in a matter captioned *In*
16 *re Passenger Air Transportation Surcharge Antitrust Litigation*, MDL No. 1793, at
17 its September 28, 2006 hearing.

18 4. The parties have agreed that this stipulation does not constitute a waiver
19 of any defenses, including but not limited to, the defenses of lack of personal
20 jurisdiction, lack of subject matter jurisdiction, or improper venue. The Defendants
21 expressly reserve their right to raise all defenses in response to either the current
22 complaint or any consolidated amended complaint that may subsequently be filed
23 relating to this action.

24 THEREFORE, the parties request that this Court order that the time in which
25 Defendants must answer or otherwise respond to this matter is the later of (1) the
26 date when the Defendant would otherwise be required to file a response pursuant to
27 Federal Rule of Civil Procedure 12, or (2) 45 days after the JPML rules on a motion
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1 pending in *In re Passenger Air Transportation Surcharge Antitrust Litigation* (MDL
2 No. 1793), and a consolidated complaint is filed by Plaintiffs in the single transferee
3 Court and served on the Defendant.

4
5 Respectfully submitted,

6
7 Dated: September 19, 2006 THE FURTH FIRM, LLP

8
9 /s/
Michael P. Lehmann (SBN 77152)
10 Jon T. King (SBN 205073)
11 THE FURTH FIRM, LLP
225 Bush Street, 15th Floor
12 San Francisco, CA 94104-4249
13 T: (415) 433-2070
14 F: (415) 982-2076

15 *Attorneys for Plaintiff Susan Brennan*

16 Dated: September 19, 2006 MAYER, BROWN, ROWE & MAW LLP

17
18 /s/
Edward D. Johnson (SBN 189475)
19 MAYER, BROWN, ROWE & MAW LLP
20 Two Palo Alto Square, Suite. 300
3000 El Camino Real
21 Palo Alto, CA 94306
22 T: (650) 331-2000
23 F: (650) 331-4537

24 Richard J. Favretto
25 MAYER, BROWN, ROWE & MAW LLP
1909 K Street, NW
26 Washington, DC 20006

27 *Attorneys for Defendant United Air Lines, Inc.*

1 Dated: September 19, 2006 SULLIVAN & CROMWELL LLP

2
3 /s/

4 Brendan P. Cullen (SBN 194057)
5 SULLIVAN & CROMWELL LLP
6 1870 Embarcadero Road
7 Palo Alto, CA 94303
8 T: (650) 461-5600
9 F: (650) 461-5700

10 Daryl A. Libow
11 SULLIVAN & CROMWELL LLP
12 1701 Pennsylvania Avenue, NW
13 Washington, DC 20006
14 T: (202) 956-7500
15 F: (202) 293-6330

16 *Attorneys for Defendant British Airways Plc*

17 Dated: September 19, 2006 SIMPSON THACHER & BARTLETT LLP

18 /s/

19 Harrison J. Frahn (SBN 206822)
20 SIMPSON THACHER & BARTLETT LLP
21 2550 Hanover Street
22 Palo Alto, California 94304
23 T: (650) 251-5000
24 F: (650) 251-5002

25 Charles E. Koob (SBN 047349)
26 SIMPSON THACHER & BARTLETT LLP
27 425 Lexington Avenue
28 New York, NY 10017
T: (212) 455-2000
F: (212) 455-2502

*Attorneys for Defendant Virgin Atlantic
Airways Limited*

1 Dated: September 19, 2006 WEIL, GOTSHAL & MANGES LLP

2
3 /s/

4 Gayle E. Rosenstein (SBN 237975)
5 WEIL, GOTSHAL & MANGES LLP
6 Silicon Valley Office
7 201 Redwood Shores Parkway
8 Redwood Shores, California 94065
9 T: (650) 802-3000
10 F: (650) 802-3100

11 *Attorneys for Defendants AMR Corp., and*
12 *American Airlines, Inc.*

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14
15 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B), Shirish Gupta hereby attests*
16 *that the signatories' concurrences in the filing of this document have been obtained.*

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19
20 PURSUANT TO STIPULATION,
21 IT IS SO ORDERED:

22 Dated:

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Honorable Vaughn R. Walker

PROOF OF SERVICE

I am employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Two Palo Alto Square, Suite 300, Palo Alto, California 94306-2112.

On September 19, 2006, I served the foregoing document(s) described as

STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND TO COMPLAINT

on each interested party, as follows:

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed facsimile & U.S. Mail envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a facsimile & U.S. Mail agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Michael P. Lehmann
Jon T. King
THE FURTH FIRM, LLP
225 Bush Street, 15th Floor
San Francisco, CA 94104-4249

Brendan P. Cullen
SULLIVAN & CROMWELL LLP
1870 Embarcadero Road
Palo Alto, California 94303

Charles E. Koob
SIMPSON THACHER &
BARTLETT LLP
2550 Hanover Street
Palo Alto, California 94304

Daryl A. Libow
SULLIVAN & CROMWELL LLP
1701 Pennsylvania Avenue, NW
Washington, DC 20006

1 Gayle E. Rosenstein
2 WEIL, GOTSHAL & MANGES LLP
3 Silicon Valley Office
4 201 Redwood Shores Parkway
5 Redwood Shores, California 94065

6 I declare under penalty of perjury under the laws of the United States of
7 America that the above is true and correct.

8 Executed on September 19, 2006, at Palo Alto, California.

9 /s/ _____
10 Shana M. Ryan
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